

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO:

RON BETZOLD,)
)
Plaintiff,)
)
vs.)
)
VALENTINE & KEBARTAS, INC.,) **COMPLAINT**
)
)
Defendant.)

INTRODUCTION

1. This action arises out of Defendant's violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Minnesota, therefore personal jurisdiction is established.

4. Venue in the United States District Court is proper under 28 U.S.C. § 1331(b)(1).

5. Declaratory relief is available pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

PARTIES

6. Plaintiff is a natural person residing in Coon Rapids, Anoka County, Minnesota.

7. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

8. Defendant is a national collection agency with its principle place of business in Lawrence, Massachusetts.

9. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

10. At all times relevant to this Complaint, Defendant has acted though its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers in the District of Minnesota.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant constantly and continuously places collection calls to Plaintiff at the number (978) 975-0799 seeking and demanding payment for an alleged consumer debt.

13. Defendant threatened to file a lawsuit against Plaintiff while seeking and demanding payment for an alleged consumer debt. To date no lawsuit has been filed.

COUNT ONE: **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT** **15 U.S.C. § 1692 et seq.**

14. Defendant's violations of the FDCPA include, but are not limited to, the following:

a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, and abuse Plaintiff,

- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and/or harass Plaintiff;
- c. Defendant violated §1692e(5) of the FDCPA by threatening to take action which is cannot legally be taken or is not intended to be taken.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt because Defendant threatened to destroy Plaintiff's credit.
- e. Defendant violated §1692f of the FDCPA by engaging in unfair and unconscionable means to collect or attempt to collect the alleged debt.

15. As a consequence of Defendant's foregoing actions, Plaintiff has suffered from emotional distress. *See* Exhibit A hereto.

16. Plaintiff is entitled to her attorney's fees and costs incurred in this action.

17. This case presents an actual and justiciable controversy within the meaning of the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*;
- b. Actual damages
- c. Statutory damages pursuant to 15 U.S.C. § 1692k
- d. Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- e. Awarding such other and further relief as may be just, proper and equitable.

DEMAND FOR JURY TRIAL

Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed.R.Civ.Pro. 38.

KROHN & MOSS, LTD

Dated: August 11, 2009

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